

**NORMAN BOARD OF ADJUSTMENT**  
**REGULAR SESSION AGENDA**

**APRIL 27, 2011**

MEETING TIME:  
MEETING PLACE:

**4:30 p.m.**  
South Conference Room  
Norman Municipal Building A  
201 West Gray Street

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES OF THE DECEMBER 8, 2010 REGULAR MEETING**

ACTION NEEDED: *Approve the minutes as submitted, or as amended.*

ACTION TAKEN: \_\_\_\_\_

**4. ELECTION OF OFFICERS FOR 2011**

Chairman: \_\_\_\_\_

Vice-Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

**5. BOA-1011-10 -- JONATHAN & NATALIE FOWLER (KRITTENBRINK ARCHITECTURE, L.L.C.) REQUESTS A VARIANCE OF APPROXIMATELY 3.5' TO THE 5' SIDE YARD SETBACK TO ALLOW AN ADDITION AT THE SAME SETBACK AS THE EXISTING HOME ON PROPERTY LOCATED AT 422 PARK AVENUE.**

ACTION NEEDED: *Approve or disapprove the Variances.*

ACTION TAKEN: \_\_\_\_\_

**6. BOA-0910-11 – ROBERT & BIRTHE FLEXNER (KRITTENBRINK ARCHITECTURE, L.L.C.) REQUESTS A VARIANCE OF APPROXIMATELY 4' TO THE 15' SIDE YARD SETBACK OF A CORNER LOT TO ALLOW AN ADDITION TO THE EXISTING HOME ON PROPERTY LOCATED AT 503 W. SYMMES STREET.**

ACTION NEEDED: *Approve or disapprove the Variance.*

ACTION TAKEN: \_\_\_\_\_

**7. BOA-0910-12 – SOONER LEGENDS INN & SUITES, L.L.C., REQUESTS A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REQUIREMENTS FOR PROPERTY LOCATED AT 1200 24<sup>TH</sup> AVENUE S.W.**

ACTION NEEDED: *Approve or disapprove the Special Exception.*

ACTION TAKEN: \_\_\_\_\_

**8. MISCELLANEOUS DISCUSSION**

**9. ADJOURNMENT**

## **BOARD OF ADJUSTMENT MINUTES**

**DECEMBER 8, 2010**

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the South Conference Room of the Norman Municipal Building, 201-A West Gray, at 4:30 p.m., December 8, 2010. Notice and agenda of said meeting were posted in the Municipal Building at the above address 24 hours prior to the beginning of the meeting.

Item No. 1, being:

### **CALL TO ORDER**

Chairman Tom Sherman called the meeting to order at 430 p.m.

\* \* \*

Item No. 2, being:

### **ROLL CALL**

#### **MEMBERS PRESENT**

Margaret Farmer  
Jim Ruhl  
Hank Ryan  
Tom Sherman

#### **MEMBERS ABSENT**

Howard Saxion

A quorum was present.

#### **STAFF PRESENT**

Doug Koscinski, Manager, Current Planning  
Wayne Stenis, Planner II  
Roné Tromble, Recording Secretary

\* \* \*

Item No. 3, being:

**APPROVAL OF MINUTES OF THE OCTOBER 27, 2010 REGULAR MEETING.**

*Hank Ryan moved to approve the minutes of the October 27, 2010 Regular Meeting as submitted. Jim Ruhl seconded the motion.*

There being no discussion, a vote was taken with the following result:

YEAS	Jim Ruhl, Hank Ryan, Tom Sherman
NAYS	None
ABSTAIN	Margaret Farmer
ABSENT	Howard Saxion

The motion to approve the minutes of the October 27, 2010 Regular Meeting was adopted by a vote of 3-0-1, with Ms. Farmer abstaining because she was not at that meeting.

\* \* \*

Item No. 4, being:

**BOA-1011-08 – VERIZON WIRELESS REQUESTS A VARIANCE OF APPROXIMATELY 35' TO THE 200' REQUIRED SETBACK FOR THE NORTH PROPERTY LINE, AND A VARIANCE TO ALLOW THE FUTURE CONSTRUCTION OF A RESIDENCE ON THE SAME LOT NO CLOSER THAN 75' TO THE PROPOSED TOWER, ON PROPERTY LOCATED AT 8080 120<sup>TH</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Variance Proposal Memorandum
4. Plat
5. Topographic Map
6. Pre-Development Summary
7. Protest Map and Protest Letters
8. Minutes of March 24, 2010 Meeting

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. Two protests were filed on this item, representing 16% of the notification area. The property owner to the west, who originally protested the prior application, has rescinded her protest.

Mr. Ruhl asked about the topographical constraints. Mr. Koscinski explained that, as you enter the property off 120<sup>th</sup> Avenue, there is a depressed area that is fenced and is used for animals, and then the property rises as you go to the west. That area previously had a mobile home on it and it has been graded and has an existing septic system and well.

Chairman Sherman commented that the applicant has basically come back with what the Board had asked them to do. They did their best to have the minimal variance on both sides of the property.

**PRESENTATION BY THE APPLICANT**

Ken Kerr, representing the applicant, provided a photo of the site taken from the road (Carol Lane) between the two protesting properties. They used GPS coordinates to implant what the tower will look like from the road. That is not necessarily what the tower will look like from those residences, but his measurements indicate the residences will be at least 800' from the proposed tower.

Mr. Koscinski asked about any lighting on the tower. Mr. Kerr responded that in most circumstances if the tower is less than 200' it will not have to be lighted. In this circumstance, it will not need to be lighted at the proposed height. It is not located in any flight path.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

*Hank Ryan moved to approve the 35' Variance to the required 200' setback from the north and south property lines as requested. Margaret Farmer seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Tom Sherman
NAYS	None
ABSENT	Howard Saxion

Chairman Sherman announced that the motion to approve the 35' Variance to the 200' required setback from the north and south property lines passed by a vote of 4-0. He advised the applicant of the 10-day appeal period before the Variance is final and construction can begin.

Mr. Ryan said he has a problem with the 75' variance for a future home on the property. The property owner needs to decide between the two uses. He also was concerned that there is not currently a proposed residence on the property, so the variance appears to just be keeping his options open. Chairman Sherman responded that the ordinance requirement for a 200' separation was to protect existing residences. In this particular case, the property owner is willing to take the risk. Mr. Ryan said he is concerned that if the property owner ever sells the property, it looks like the Board said it is alright to build in that location and he doesn't think it is. Chairman Sherman indicated that if the property owner does build in that location, any future buyer would know what he was buying as far as proximity of the tower. Mr. Koscinski explained that once the tower has been built, it is an established fact, and there would not need to be variances for any future residences on adjacent properties. A future buyer of this property might decide not to build so close to the tower and not exercise the variance. The variance will remain with the property. Mr. Ryan asked the location of the existing septic system. Mr. Koscinski said the septic system is to the south of the graded area; the electricity is along the driveway.

*Margaret Farmer moved to approve the Variance to allow the property owner to build a future residence no closer than 75' to the tower. Jim Ruhl seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Tom Sherman
NAYS	Hank Ryan
ABSENT	Howard Saxion

The motion to approve the Variance to allow construction of a future residence no closer than 75' to the tower was adopted by a vote of 3-1.

\* \* \*

Item No. 5, being:

**BOA-1011-09 – LIGHTHOUSE INVESTMENTS, L.L.C. REQUESTS A VARIANCE OF APPROXIMATELY 3.2' TO THE 20' REAR (SOUTH) SETBACK TO ALLOW AN ADDITION TO AN EXISTING RESIDENCE AT 222 E. LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Photos

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. He noted that the variance needed is actually 4'3" because of requirements to meet the Fire Code. No protests were filed on this item.

**PRESENTATION BY THE APPLICANT**

Don Dragg and Craig Outland were present representing the applicant, but did not offer any comments.

**AUDIENCE PARTICIPATION**

Evone Foy, 1309 Lincoln, received a letter about the meeting, but did not think this would have any impact on her property.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

*Hank Ryan moved to approve a Variance of up to 4'6" to the rear (south) setback. Jim Ruhl seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Tom Sherman
NAYS	None
ABSENT	Howard Saxion

Chairman Sherman announced that the motion to approve the Variance passed by a vote of 4-0. He advised the applicant of the 10-day appeal period before the Variance is final.

\* \* \*

Item No. 7, being:

**MISCELLANEOUS DISCUSSION**

Calendars for the 2011 meetings were distributed.

\* \* \*

Item No. 8, being:

**ADJOURNMENT**

There being no further business, Chairman Sherman adjourned the meeting at 5:04 p.m.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Board of Adjustment

**BOA-1010-10**

Jonathan & Natalie Fowler  
422 Park Avenue



Board of Adjustment  
April 27, 2011  
BOA-1011-10

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jonathan & Natalie Fowler
<b>LOCATION</b>	422 Park Drive
<b>ZONING</b>	R-3, Multi-Family
<b>REQUESTED ACTION</b>	VARIANCE of approx. 3.5' to the 5' side yard setback
<b>SUPPORTING DATA</b>	Location Map Applicants' statement of justification Site Plan Roof Plan Building Elevations

**STAFF COMMENTS:**

The applicants, Jonathan & Natalie Fowler, property owners, have submitted a request to construct an addition to the rear of their house. The addition will contain 443 square feet and will surround a new screened porch containing 99 square feet. The proposed additions comply with all other code requirements except for the side yard along the east property line. Like many older homes in core Norman, the existing house was built 1.5 feet from the east property line, and they have hired an architect who designed a simple extension of the house and roof, and have applied for a variance to the required 5 feet side yard setback, so that the addition may be constructed. They want to expand the house to accommodate a growing family rather than move to another location. Expansion will not violate maximum lot coverage requirements, nor any other setback requirements.

Before any VARIANCE can be granted, four conditions must be met.

1. There are special conditions or circumstances peculiar to the land or structure involved.

The property was developed in the early 1920's. The zoning ordinance in place at that time simply regulated "use" and did not impose setback requirements. The final plat for this addition, which was filed in October 1920, imposed a twenty-five foot front yard requirement, which the original builder followed, but no other setbacks were imposed by plat or ordinance. The buildings were

existing when the applicant purchased them. The properties on all other sides are owned by others.

2. The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district.

The properties in the area were built during approximately the same era and virtually all of the buildings were constructed with setbacks that do not conform to the current ordinance, and have similar setbacks to what has been requested.

3. The special conditions or circumstances do not result from the actions of the applicant.

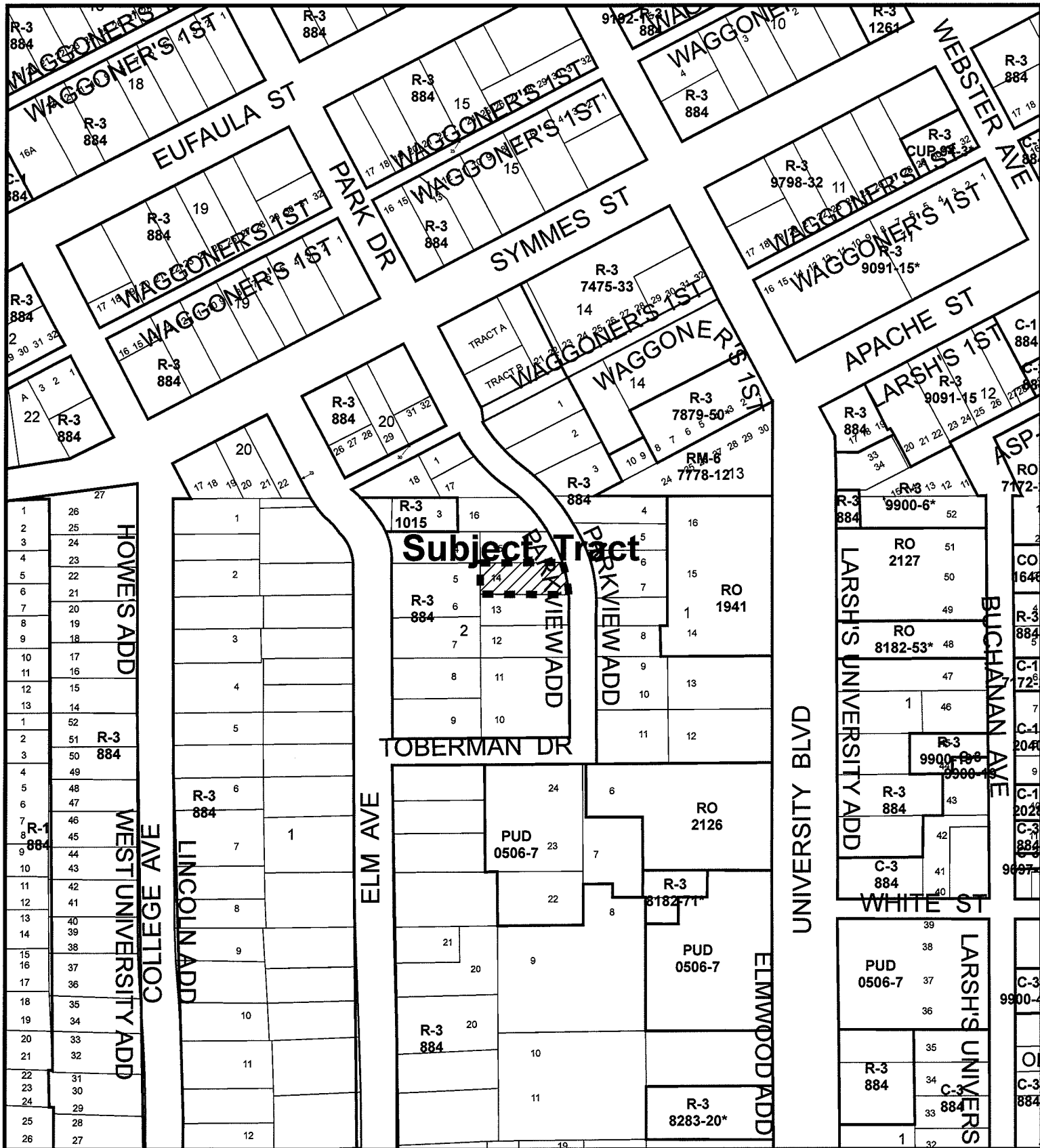
The buildings were constructed many years before being purchased by the current owners. Expansion of the house matches the setback of the existing structure. Staff is concerned about the proximity of the neighbor's structure to the proposed addition, in regards to spread of fire. Typically this is handled during building permit review and fire rated walls will likely be required.

4. The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district.

Virtually all the properties in this area have similar non-conforming setbacks. In this case, the addition is relatively minor in size, and will occur at the rear of the lot. The approximate distance from the existing house to the neighbor's nearest building is approximately 6 feet (diagonally) and their building is also about 3 feet from the property line. If granted, this would place the new house addition approximately 4.5 feet away, not accounting for a roof overhang.

**STAFF RECOMMENDATION:**

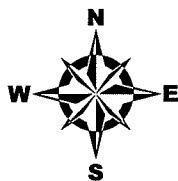
The architect has designed a "logical" extension of the existing house, rather than creating a complicated (and much more expensive) roof that would be needed if the addition were placed at the required five-foot setback. Staff does not oppose granting of this variance.



# Location Map



Map Produced by the City of Norman  
Geographic Information System.  
(405) 366-5316  
The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.



April 5, 2011

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Subject Tract



Zoning



March 29, 2011

Doug Koscinski  
City of Norman  
201-A W. Gray St.  
Norman, OK 73070

RE: Fowler Residence  
422 Park Ave.  
Application For Variance

Dear Doug:

Originally purchased as a “swinging bachelor’s pad”, the Applicant has since married and now wants to build a family. To do this will require expanding the existing house to add a master suite, expand the kitchen, etc.

Currently, the south face of the house is 18” north of the south property line – a condition shared by approximately 50% of the houses in this section of Park St., south of Symmes. The only way to expand is to the west (rear) and the Applicant is asking to maintain this 18” side yard setback as they extend this building plane 19 feet to the west.

The addition will not be visible from the street, yet even so will maintain the existing architectural style of the house to create a seamless addition.

Conditions for Justification of a Variance Request:

1) *There are special conditions or circumstances peculiar to the land or structure involved.*

Park Street, south of Symmes Street, is an animal unto itself. Standards simply don’t exist here as houses violate side, front and rear yard setbacks throughout.

So yes, very special conditions for a very peculiar and unique neighborhood.

- 2) *The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district.*

A guess would be that less than 10% of the houses in this neighborhood would stand up to a literal interpretation of the setback requirements. I believe the applicant would be deprived the rights enjoyed by others in this same district if they were not granted this request.

- 3) *The special conditions or circumstances do not result from the actions of the applicant.*

The applicants have not altered the footprint of the house, so have created no situation for which they are asking special consideration.

- 4) *The granting of the variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district.*

As stated, the applicant's request for a variance represents a condition that is already enjoyed by others in the neighborhood. As such, granting this variance will not offer special privileges.

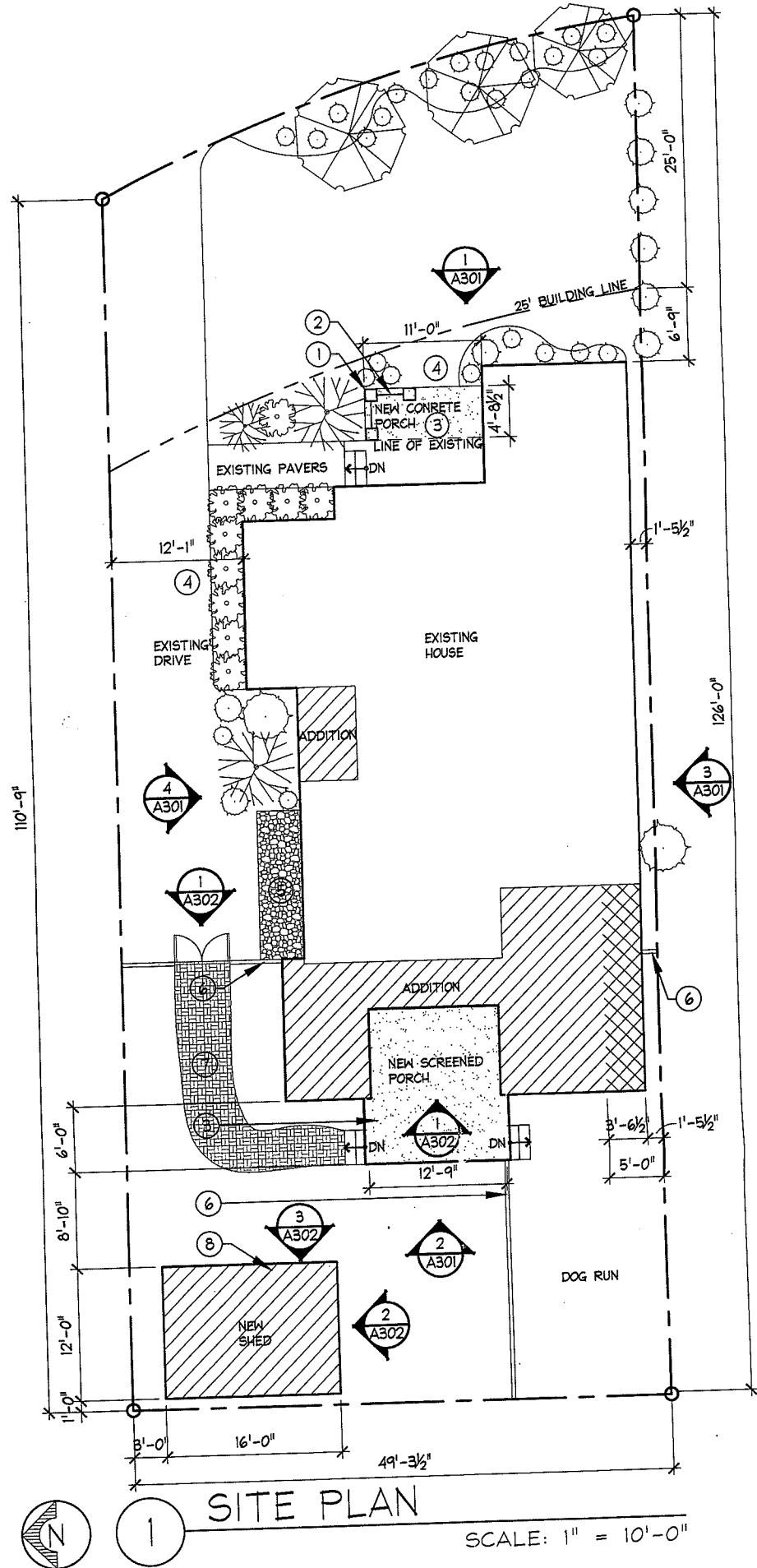
Sincerely,



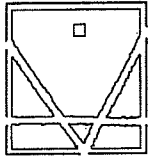
Mark L. Krittenbrink

Cc: Jonathan & Natalie Fowler

S. PARK AVE.







**KRITTENBRINK**  
Architecture LLC  
ARCHITECTURE  
PLANNING  
INTERIORS

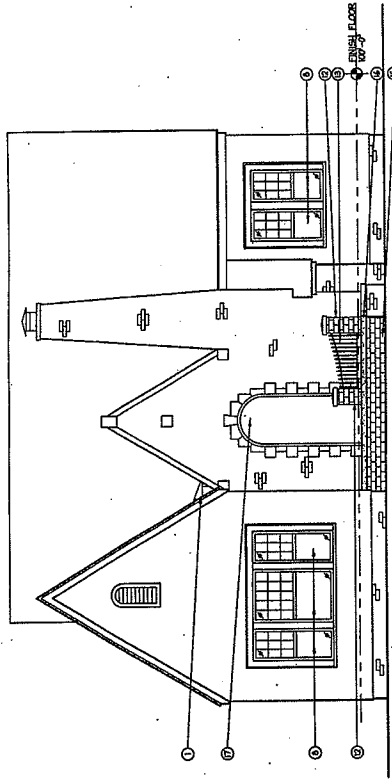
301 W. BOYD, SUITE 200  
NORMAN, OK 73069  
405 579 7883  
FAX 405 282 0645

RENOVATION/ADDITION  
FOHLER RESIDENCE  
422 S. PARK  
NORMAN, OKLAHOMA

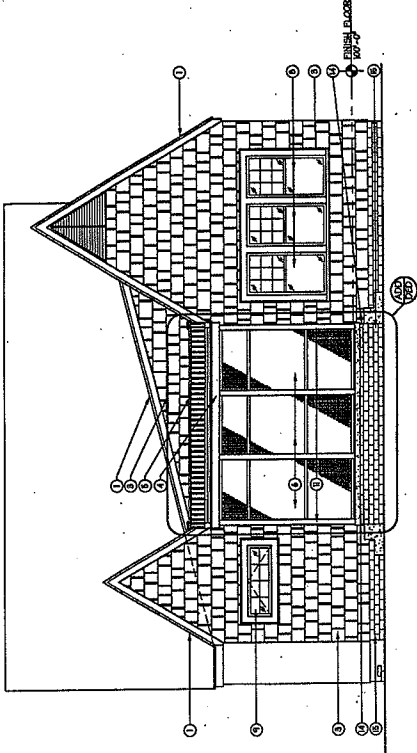
EXTERIOR ELEVATIONS

No.	Date	Revision
1	9/17/2006	REVISION
2	3/25/2011	REVISION FOR
3		DESIGNED FOR RED
4		CONSTRUCTION

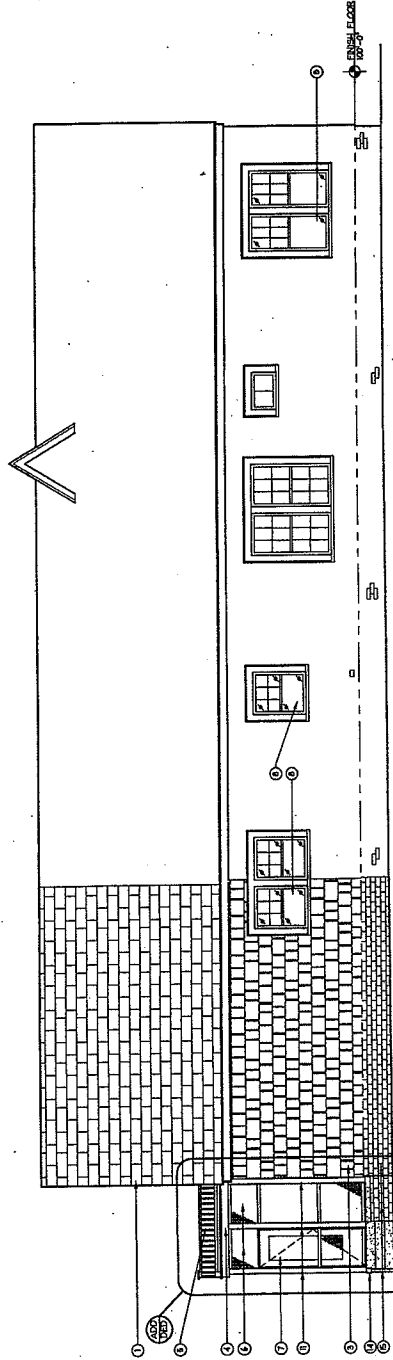
Drawn by	3.25.11
Checked by	RKS MLK
Job Number	K-2010
	A-301



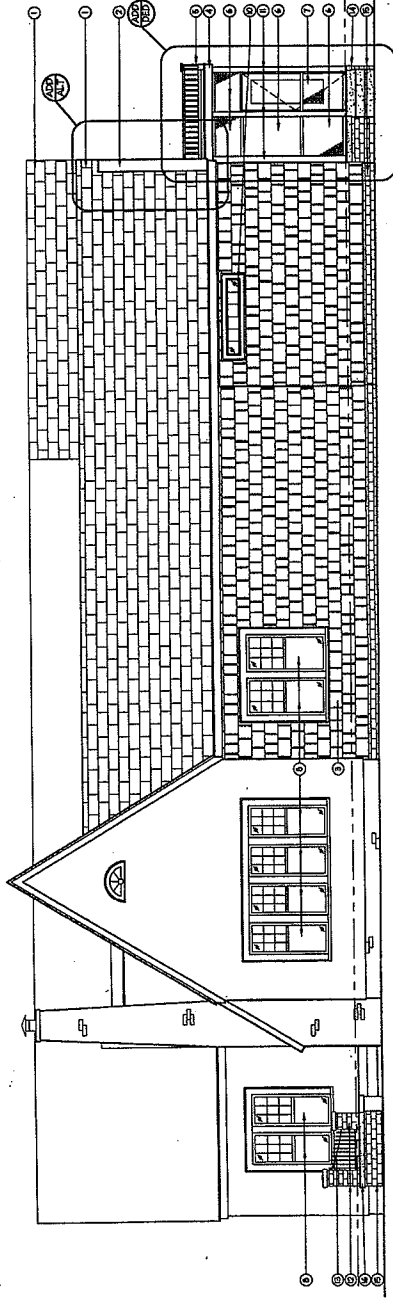
1 EXTERIOR ELEVATIONS  
SCALE 1/4" = 1'-0"



2 EXTERIOR ELEVATIONS  
SCALE 1/4" = 1'-0"



3 EXTERIOR ELEVATIONS  
SCALE 1/4" = 1'-0"



4 EXTERIOR ELEVATIONS  
SCALE 1/4" = 1'-0"

- GENERAL NOTES**
- REPAIR ALL EXIST. CONSTRUCTION DAMAGED BY DERIVATION TO LIE NEW APPEARANCE.
  - ALL EXTERIOR PAINT COLOR SELECTIONS TO BE APPROVED BY ARCHITECT & OWNER BEFORE CONSTRUCTION.
  - ALL FINISHES/VENERS USED TO MATCH EXISTING IS TO BE APPROVED BY ARCHITECT & OWNER PRIOR TO INSTALLATION.
  - PRICE IN NEW ROOMS WHERE NEW ADDITION MEETS EXISTING ROOM.

- KEY NOTES**
- NEW ROOF, MATCH EXISTING TRIM & OVERHANG, COORD SINGLE SELECTION IN OWNER, RE: ROOF PLAN.
  - NEW PAINT, RE: ROOF PLAN AND ALT.
  - WOOD SHAKES, MATCH EXISTING, COORD MATERIAL, STYLE & COLOR SELECTION IN ARCHITECT & OWNER, TRIM TO MATCH EXISTING.
  - WOOD TRIM BOARDS, PAINTED, COORD COLOR SELECTION IN OWNER.
  - WOOD RAILING, PAINTED, COORD COLOR SELECTION IN OWNER.
  - CEGAR WOOD PANELS IN SCREEN PANELS.
  - SCHEDULED DOORS (ANDERSEN 200 SERIES OR APPROVED EQUAL), TRIM TO MATCH EXISTING, RE: FLOOR PLAN & GENERAL NOTES.
  - SCHEDULED ROOF TO MATCH EXISTING RE: FLOOR PLAN & GENERAL NOTES.
  - SCHEDULED JAWING WINDOW, TRIM TO MATCH EXISTING RE: FLOOR PLAN.
  - SCHEDULED FIXED WINDOW, TRIM TO MATCH EXISTING RE: FLOOR PLAN.
  - CEGAR WOOD COLUMN, COORD COLOR SELECTION IN ARCHITECT & OWNER, RE: FLOOR PLAN & FOUNDATION PLAN.
  - WOOD COLUMN IN CAST STONE CAP, RE: FLOOR PLAN & SITE PLAN.
  - NEW RECONSTRUCT DETAIL LANDSCAPE, IN SPACES # 4 & 5, RE: FLOOR PLAN.
  - NEW CONCRETE STEPS/LANDSCAPE, RE: SITE PLAN & FLOOR PLAN.
  - NEW BRICK STEPS/HALL, MATCH EXISTING, COORD COLOR SELECTION IN OWNER, RE: FOUNDATION PLAN & GENERAL NOTES.
  - NEW CONCRETE LANDING, RE: SITE PLAN & FOUNDATION PLAN.
  - REPLACE OR REPAIR EXISTING DOOR.



**BOA-1011-11**

Robert & Birthe Flexner  
503 W. Symmes Street

Board of Adjustment  
April 27, 2011  
BOA-1011-11

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Robert & Birthe Flexner
<b>LOCATION</b>	503 W. Symmes Street
<b>ZONING</b>	R-3, Multi-Family
<b>REQUESTED ACTION</b>	VARIANCE of approx. 4' to the 15' side yard setback of a corner lot
<b>SUPPORTING DATA</b>	Location Map Applicants' statement of justification Site Plan Floor Plan Elevation

**STAFF COMMENTS:**

The applicants, Robert & Birthe Flexner, owners, have applied for a variance to a 15 feet side yard setback in order to enlarge a room in order to make a ground floor master bedroom. Because this is a corner lot, the addition would be 4 feet closer to the side property line, which is adjacent to a street right of way. That portion of the yard is already fenced with a privacy fence.

Before any VARIANCE can be granted, four conditions must be met.

1. There are special conditions or circumstances peculiar to the land or structure involved.

The property was developed originally in the 1920's. The lot is a corner lot. The proposed addition only represents 71 square feet, a relatively minor amount, and will be used to provide a bedroom on the main floor of the building for the owners. Because of the existing floor plan, expansion to the side yard is a more practical option than to the north. Because of the presence of an existing privacy fence, there should be no noticeable differences to the neighbors or public. If granted, it will not affect any neighboring properties or cause any health or safety concerns.

2. The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district.

At the time many of these homes were built, the zoning ordinance did not impose setback requirements. The ordinance simply regulated "use," which explains many of the non-conforming setbacks common in core Norman. The proposed addition is relatively small, and has been architecturally integrated into the design of the dwelling. Existing windows will be re-used to better integrate the addition to the house.

3. The special conditions or circumstances do not result from the actions of the applicant.

The placement and floor plan of the existing house existed prior to the current owner. The need to create a ground floor master bedroom due to aging owners is a minor hardship of the applicants. An eastward expansion of an existing room is reasonable based on the existing floor plan options. Not granting the variance may in fact place a financial burden on the owners to sell this house and purchase a different house to accommodate their needs.

4. The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district.

The proposed addition will be hidden by an existing privacy fence, mitigating the apparent encroachment.

**STAFF RECOMMENDATION:**

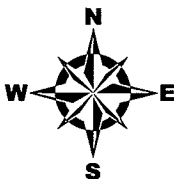
The proposed expansion is for a small one-story addition that will allow the occupants to have a ground floor bedroom. The visual impact of the addition will be masked by a screening fence, and should not impact any nearby properties. Staff does not oppose granting the variance as requested.

# Location Map



Map Produced by the City of Norman  
Geographic Information System.  
(405) 366-5316

The City of Norman assumes no responsibility for errors or omissions in the information presented.



April 5, 2011

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## Subject Tract



## Zoning



March 29, 2011

Doug Koscinski  
City of Norman  
201-A W. Gray St.  
Norman, OK 73070

RE: Flexner Residence  
503 W. Symmes St.  
Application For Variance

Dear Doug:

The Applicant is asking to encroach 4' into the east side yard setback of their property.

The purpose of this 71 SF addition will be to create a master bedroom on the first floor of their two-story home. This will create the only bedroom on the first floor – a practical necessity for a couple wanting to retire in their current home.

Care has been taken to insure the addition blends with the existing architecture of the house, using all existing materials, details and reusing windows where applicable.

Further, the entirety of the addition will be screened by a 6' wood fence that is existing.

Conditions for Justification of a Variance Request:

- 1) *There are special conditions or circumstances peculiar to the land or structure involved.*

This property is located in the core area – an area where lots that have been subdivided over the years with little municipal oversight. As such, most properties in this area face encroachment issues of one kind or another.

- 2) *The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district.*

As stated above, a literal interpretation of the setback ordinance would find a great number of residences in this area are not in compliance. As one travels both north and south on Park, you

will find structures violating front, side and rear yard setbacks. So, allowing this variance will allow the Applicant the same rights enjoyed by many others in the district.

- 3) *The special conditions or circumstances do not result from the actions of the applicant.*

While the Applicant has added several detached structures to the site, the house foot print is original and has not been altered. It is their need for a first floor bedroom that has them wanting to alter the original structure now.

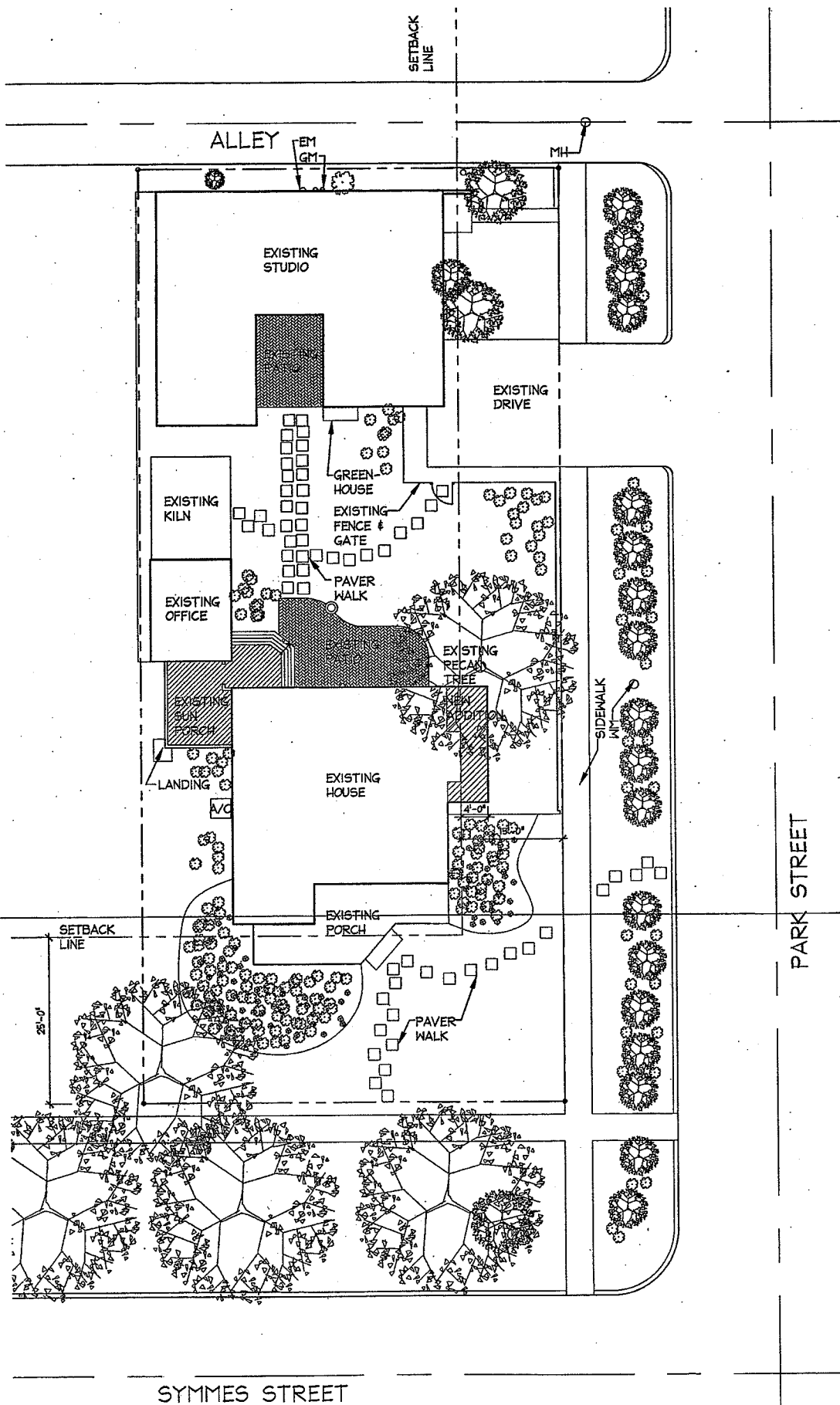
- 4) *The granting of the variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district.*

As previously outlined, due to the nature of this area, easements are varied and often not in compliance with a strict interpretation. Granting this variance will not offer special privileges to the Applicant.

Sincerely,



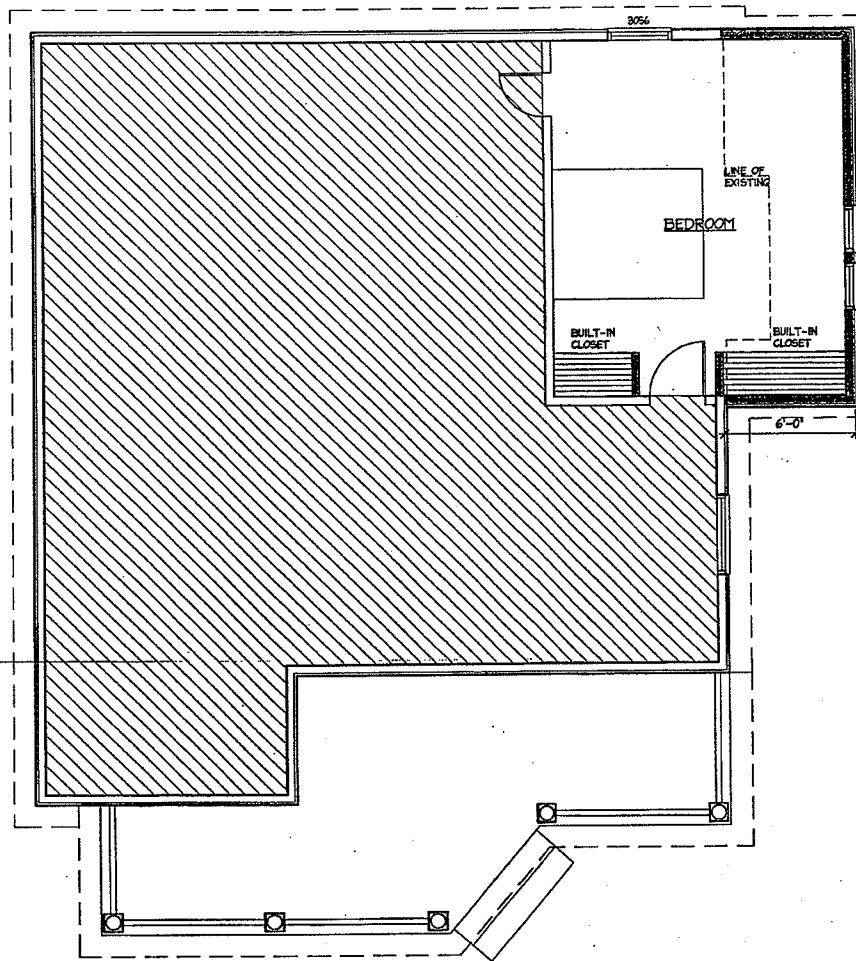
Mark L. Krittenbrink




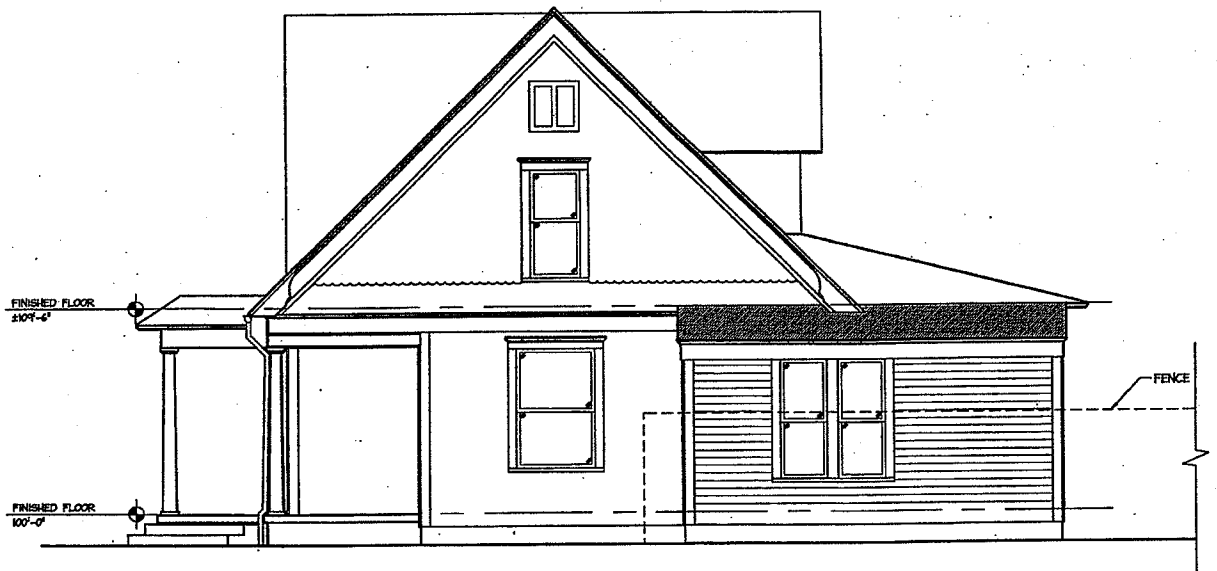
1

SITE PLAN

SCALE: 1" = 10'-0"




**1 FIRST FLOOR PLAN**  
 SCALE: 1/4"=1'-0"



**2 EXTERIOR ELEVATION**  
 # EAST SCALE: 1/4"=1'-0"



**BOA-1010-12**

Sooner Legends Inn & Suites  
1200 24<sup>th</sup> Avenue S.W.

Board of Adjustment  
April 27, 2011  
BOA-1011-12

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Sooner Legends Inn & Suites, L.L.C.
<b>LOCATION</b>	1200 24 <sup>th</sup> Avenue S.W.
<b>ZONING</b>	C-2, General Commercial
<b>REQUESTED ACTION</b>	SPECIAL EXCEPTION to the Off-Street Parking Requirements
<b>SUPPORTING DATA</b>	Location Map Applicants' statement of justification Site Plan Areal Photo

**STAFF COMMENTS:** Applicants, Doug and Valerie Kennon, owners of Sooner Legends Inn and Suites, have requested a Special Exception from the parking requirements, so they may add an outdoor patio adjacent to the Nightclub. The property is zoned C-2 with permissive use for a night club with a stipulation that the night club not exceed 4,000 square feet. The hotel currently has 136 rooms; the code requires 1.2 spaces for each room, resulting in a requirement for 163 spaces. The building also houses a full-service restaurant, a separate restaurant/bar area, and a banquet hall that together contain approximately 6000 square feet. Utilizing the "restaurant" ratio of one space per fifty square feet, all of that area requires an additional 120 parking spaces. The proposed patio could contain as much as 2000 square feet, requiring an additional 40 spaces. In total, all of these uses would require 323 parking spaces. The site is currently striped for 264 spaces, of which eight would be eliminated for the patio. Strictly interpreting the ordinance, there will be a deficit of 51 spaces.

Unlike a variance, there are no defined criteria for granting a Special Exception for Parking, but staff would offer the following observations.

1. It is obviously in the owner's best interests to provide adequate parking that does not negatively impact their customers. When they know of major events that will occur, they have an agreement with the commercial property to the south which allows their employees to park off-site.

2. A vacant parcel is owned by the applicant that abuts the hotel, and could be developed as additional parking in the future. It could be developed if actual need arose, but the lot is not convenient for patrons of the restaurant, and would not likely be used.

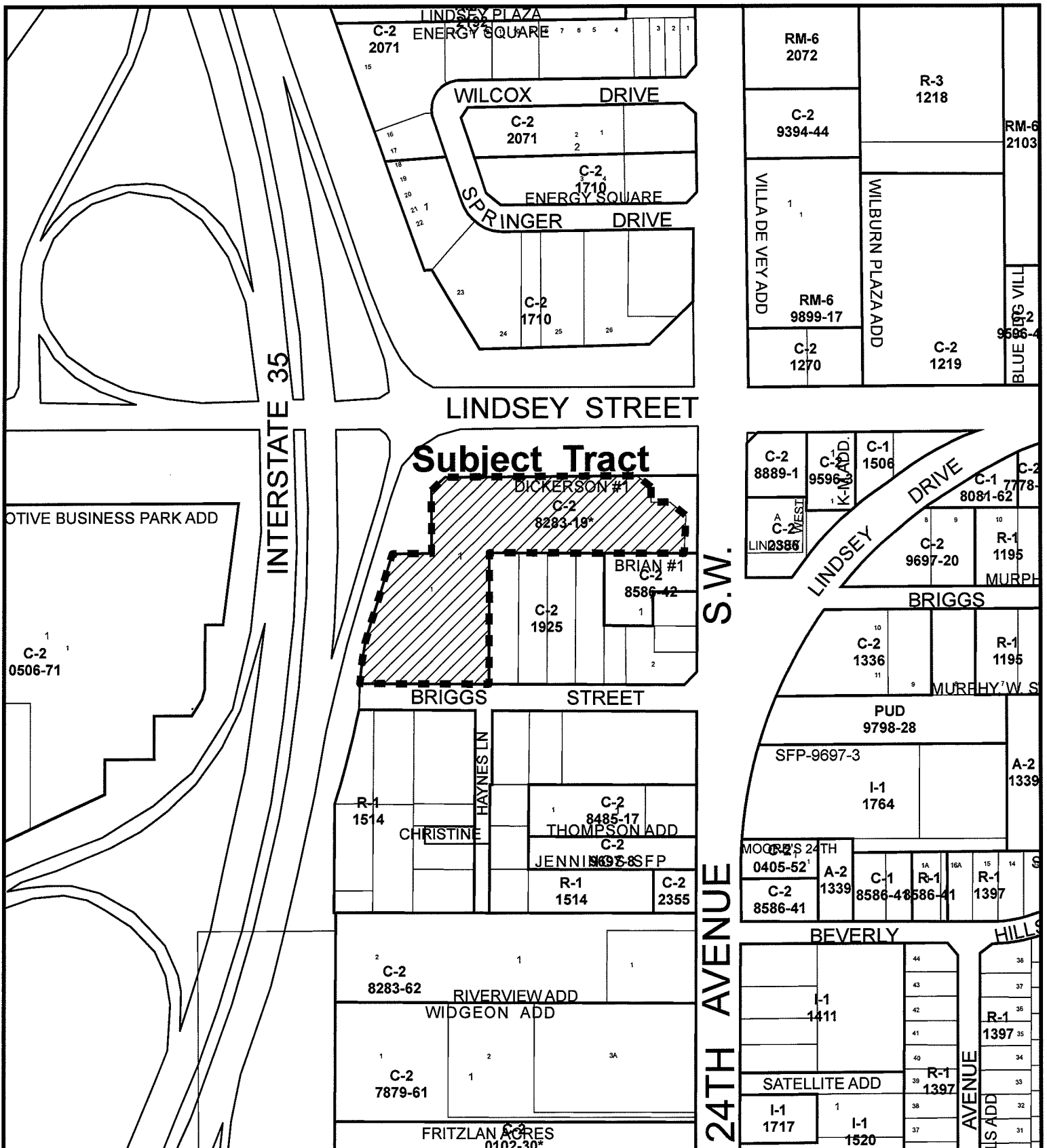
3. The owner does not operate the restaurant, bar, and banquet hall at the same time, although occasionally there may be some overlap. For example, the restaurant kitchen closes at night when bar operations increase. The banquet facility is normally a "special event" operation, and does not compete in the same time frame as the restaurant or bar. The code counts all of those spaces equally as though all three areas are always in full operation. Together those spaces, including the new patio, account for a need for 160 spaces. If only half of the area were operational at any one time, 80 spaces would be needed.

4. Other than game days, the hotel does not operate at a level approaching full occupancy, and the 163 spaces assigned to the hotel use are rarely fully utilized, and can be used by other on-site patrons.

5. Some additional parking could be striped on the lot to increase the actual current parking count, although that would probably amount to no more than ten spaces.

**STAFF RECOMMENDATION:**

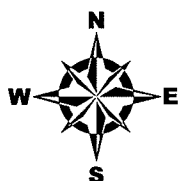
The restaurant, bar, and proposed new patio are all located at the front of the property, adjacent to 24<sup>th</sup> Avenue. That area is not normally used by hotel patrons, who have convenient parking near the rooms. The eighty or more spaces in that area appear to be adequate for the existing food service operations. In light of the fact that the various elements do not operate simultaneously, Staff believes that the proposed patio can be permitted, even though a strict interpretation of the code seems to indicate a paucity of parking. The additional lot which abuts the hotel can be developed if actual need arises, which will provide parking which meets the ordinance requirement but may not be convenient and thus not used. Staff supports granting this Special Exception.



# Location Map



Map Produced by the City of Norman  
Geographic Information System.  
(405) 366-5316  
The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.



April 7, 2011  
0 150 300 Ft.

Subject Tract  
 Zoning



To: City of Norman

From: Doug Kennon & Valerie Kennon, Sooner Legends Inn & Suites

Date: April 6, 2011

Re: Detailed justification for the granting of certain exceptions to the off-street parking requirements of the Ordinance.

We want to add an outside patio to the east side of the building. Since opening the restaurant 11 years ago, our customers have asked that we add a patio and we feel now is a great time to add it.

The intent of the patio is to increase the amount of space in the bar and restaurant for our guests that want outside seating. In addition to our 6 smoke eaters in the bar, it will also increase the ventilation in the bar and accommodate smoking and non-smoking customers.

Currently, we have 260 parking spaces and an agreement with the property owners of 1240 24<sup>th</sup> Ave SW to park behind their building, as well as use the parking lot when their businesses are closed.

The City Ordinance states that the hotel must have 1.2 spaces per hotel room which would be 163 spaces if we maintained 100% occupancy. Our current occupancy is approximately 50% which is the average occupancy for the Norman market.

Listed below are major reasons we feel that you should accommodate our request:

1. We are not a national chain. Sooner Legends is a destination. National chains rely on 13-20% of their business via their national advertising. The average hotel receives 15-25 walk-ins per night. Sooner Legends average walk-up business is less than 2 rooms per night.
2. Sooner Legends sales and marketing efforts are targeted. The result of this type of marketing allows us to know exactly how many hotel guests we will have each night. As a local hotel, the average consumer will not stay with us unless they are referred.
3. The majority of our guests are teams. These groups arrive by bus or van. The average number of parking spaces needed for each team is 2 spaces but with the current City ordinance, Sooner Legends would have to allow 18 spaces instead of 2 that are actually used.
4. The next largest groups of our customers arrive by shuttle and do not have cars during their stay.
5. During peak hotel and restaurant days, (OU Football and Graduation weekends), we do not lease the banquet space to non-hotel guests.
6. Regarding the banquet space, 65% of the banquet space rental is occupied by hotel guests.
7. The entire property, hotel, restaurant and bar, is owned and managed by us. (no separate companies). This allows us to coordinate all groups and make sure we can properly accommodate each group in the space provided.
8. Peak hours for our restaurant – 11:00 AM – 1:30 PM and 6:00 PM – 8:00 PM
9. Peak hours for bar – 9:30 PM – 12:30 AM Friday & Saturday
10. As owner/operators of Sooner Legends that are on-site approximately 16 hours per day, we would not put ourselves in a position that would upset our customers.

We respectfully request that you grant this exception to us for the off-street parking.

If you have any questions, feel free to contact us at 405-701-8100.

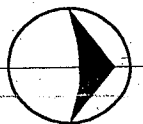
Thank you.

Doug Kennon and Valerie Kennon, Owner-Operators

## 7 HCP Spaces



# NORTH



LOT 1, LESS THE SOUTH THIRTY FEET THEREOF, IN BLOCK 1 OF THE DICKERSON #1 ADDITION TO CLEVELAND COUNTY, OK, ACCORDING TO THE RECORDED PLAT THEREOF.

THIS DRAWING IS AN 'AS BUILT' SITE PLAN.  
DIMENSIONS WERE ATTAINED BY FIELD MEASUREMENTS

1200 24th AVE., S.W., NORMAN, OK 73072

235	PARKING SPACES	1,603
2	H.C. SPACES	2,657
237	TOTAL PARKING	3,696
SQUARE FOOTAGE		
	DINING ROOM	1,603
	KITCHEN	2,657
	FOYER / LOUNGE	3,696
	LOBBY / MEETING	10,305
	OFFICES	10,305
	GUEST ROOMS	61,961
	TOTAL SQ. FT.:	90,712

1/25/20

**DRAWN BY: DKH**



# SOONER LEGENDS RENOVATION AS-BUILT DRAWINGS

1200 24TH AVE SW  
NORMAN, OKLAHOMA

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**BLW**  
Barrett L. Williamson  
ARCHITECTS

- Architecture
- Historic Preservation
- Master Planning
- Interior Design

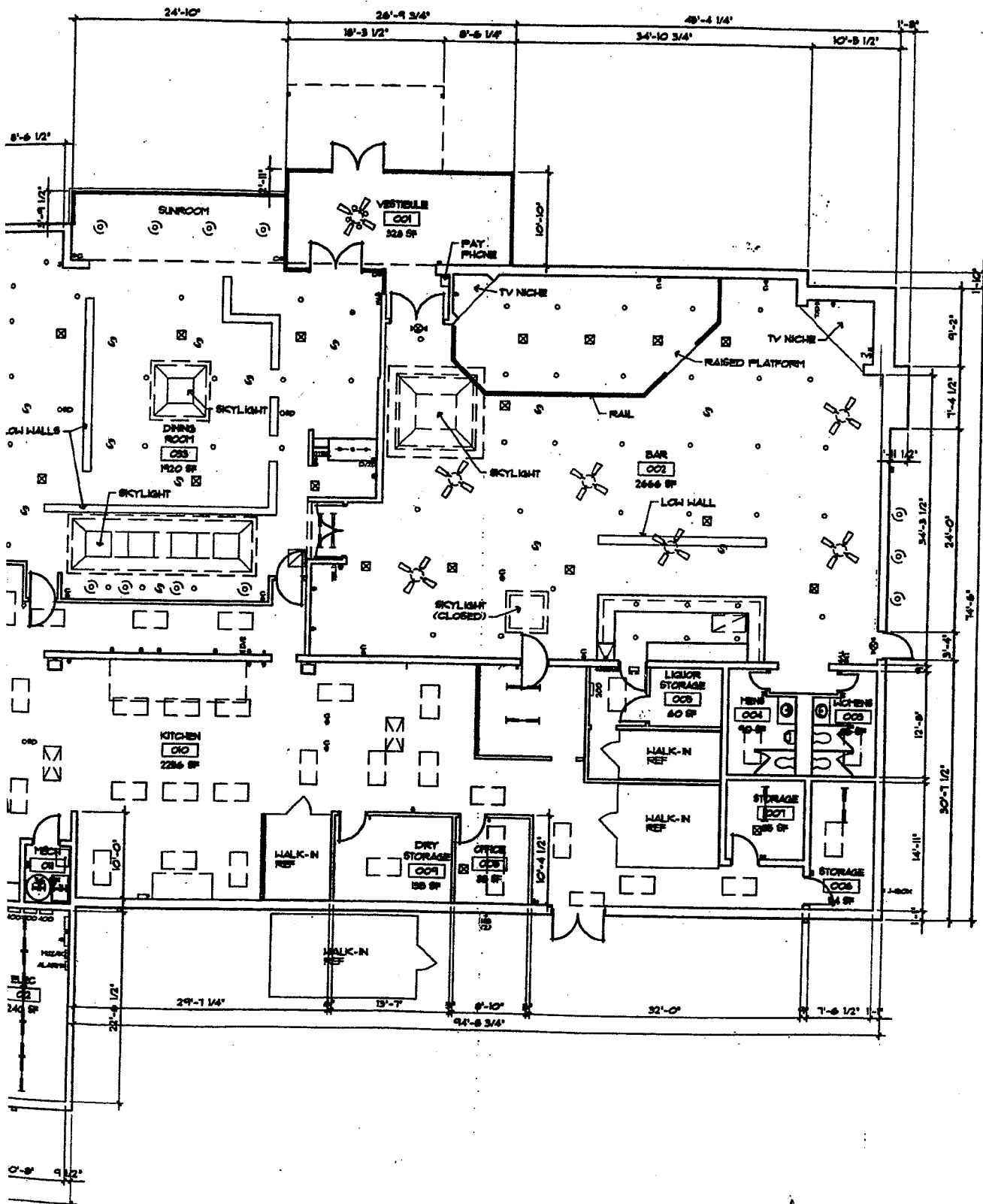
219 W. Boyd, Suite 203  
Norman, Oklahoma  
73069

tel: 405.360.1566  
fax: 405.364.1567

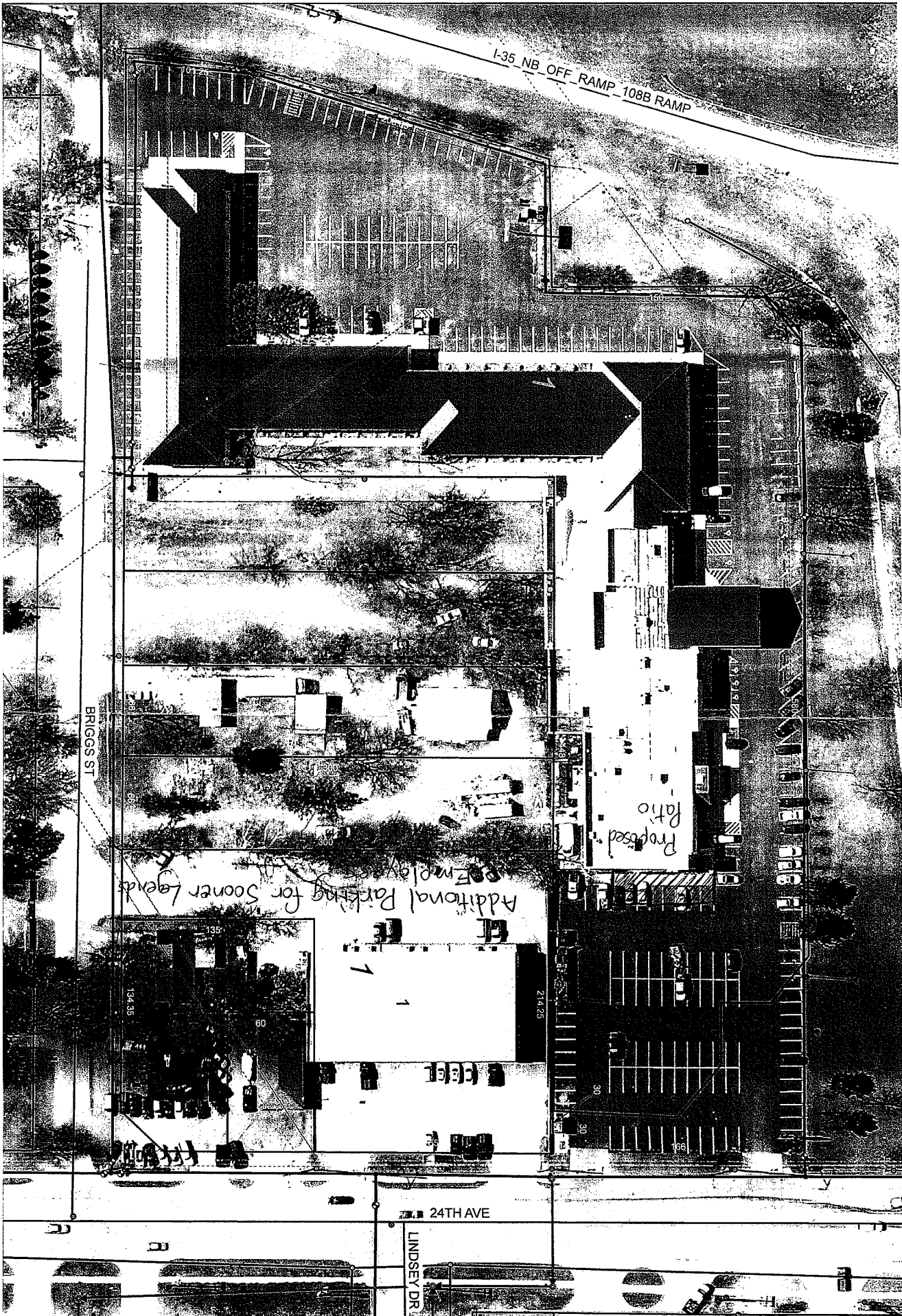
R172

DATE  
02/24/05  
REVISION DATE  
02/24/05  
REVISION DATE

SHEET TITLE  
**FIRST FLOOR PLAN**  
AREA A







Map produced by the City of Norman  
Geographic Information System.  
The City of Norman assumes no  
responsibility for errors or omissions  
in the information provided.



Scale: 1"=60'